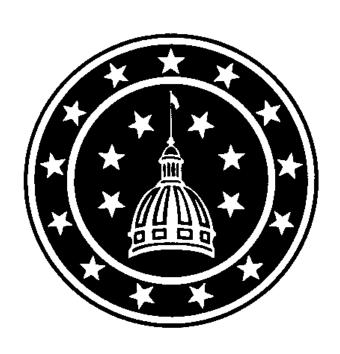
ANNUAL REPORT OF THE INDIANA COMMISSION ON MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES



Indiana Legislative Services Agency 200 W. Washington Street, Suite 301 Indianapolis, Indiana 46204

October, 2004

INDIANA LEGISLATIVE COUNCIL 2004

Speaker B. Patrick Bauer Senator Robert Garton

Chairman Vice-Chairman

South Bend Columbus

Representative Brian Bosma Senator Richard Young

Indianapolis Milltown

Representative Russell Stilwell Senator Becky Skillman

Boonville Bedford

Representative Dale Grubb Senator Joseph Harrison

Covington Attica

Representative Charlie Brown Senator Patricia Miller

Gary Indianapolis

Representative Scott Pelath Senator Thomas Wyss

Michigan City Fort Wayne

Representative Kathy Richardson Senator James Lewis

Noblesville Charlestown

Representative Richard Mangus Senator Earline Rogers

Lakeville Gary

Philip J. Sachtleben Executive Director Legislative Services Agency

INDIANA COMMISSION ON MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

Membership Roster

<u>Representatives</u> <u>Senators</u>

Sheila Klinker, Chairperson Marvin Riegsecker

Lafayette Goshen

Robert Alderman Rose Ann Antich-Carr

Fort Wayne Merrillville

Lay Members

Christopher Durcholz Suda Hopkins

Brazil Gary

Sally Lowery Scott MacGregor

Terre Haute Fishers

Joanne Rains Betty Williams

New Castle Richmond

Staff

Susan Kennell
Attorney for the Commission

Sarah Brooks
Fiscal Analyst for the Commission

A copy of this report is available on the Internet. Reports, minutes, and notices are organized by committee. This report and other documents for this Committee can be accessed from the General Assembly Homepage at http://www.state.in.us/legislative/.

I. STATUTORY DIRECTIVE

The Indiana Commission on Mental Retardation and Developmental Disabilities (Commission) was established by P.L. 78-1994 to do the following: (1) develop a long-range plan for community-based services for the developmentally disabled; and (2) review, make recommendations, and monitor changes regarding services to the mentally retarded and developmentally disabled population.

P.L. 245-1997 amended the original legislation, extending the life of the Commission to January 1, 2001. P.L. 272-1999 further extended the life of the Commission to January 1, 2005, and added the following responsibilities: (1) review and make recommendations regarding the implementation of the comprehensive plan prepared by the Developmental Disabilities Task Force (the "317 Plan"); and (2) review and make recommendations regarding the development by the Division of Disability and Rehabilitative Services of a statewide plan to address quality assurance in community-based services. P.L. 242-2001 added an annual review of the Infants and Toddlers with Disabilities Program ("First Steps") to the Commission's duties.

In 2002, the Commission was converted to a permanent statutory commission in P.L. 190-2002. In addition, the Commission was required to: (1) study and make recommendations for the state to use state employees or contract with a private entity to manage and implement home and community-based services waivers; (2) study and make recommendations regarding state funding needed to provide supplemental room and board costs for individuals who otherwise qualify for residential services under the home and community-based services waivers; and (3) monitor and recommend changes for improvements in the implementation of home and community-based services waivers.

II. INTRODUCTION

The Commission met three times during the 2004 interim session on August 4, August 25, and October 6.

At the Commission's October 6, 2004 meeting, the Commission approved the following drafts of proposed legislation:

PDOC 20051381.002: The proposed bill would appropriate \$5 million from the State General Fund for FY 2005-06 and \$8.5 million for FY 2006-07 to the Office of the Secretary of Family and Social Services for persons with mental retardation and developmental disabilities (MR/DD) for: (1) implementing system redesign; (2) training for employees; and (3) wage parity for individuals working in community settings.

PDOC 20051378.002: The proposed bill would appropriate \$9 million for FY 2005-06 and \$25.5 million from the State General Fund for FY 2006-07 to the Office of the Secretary of Family and Social Services to expand services to

individuals on the: (1) intermediate care facility for the mentally retarded (ICR/MR) waiver waiting list for diversion and deinstitutionalization; (2) autism waiver list; (3) support services waiver; and (4) nonwaiver adult day services program.

PDOC 20051380.002: The proposed bill would appropriate \$29 million dollars for FY 2005-06 and \$42 million from the State General Fund for FY 2006-07 to the Office of the Secretary of Family and Social Services to provide additional emergency support for individuals with mental retardation and developmental disabilities who: (1) require permanent placements; (2) have lost institutional care placements; and (3) are no longer eligible for receive services from programs administered by the Department of Education or because the individuals had been declared children in need of services (CHINS) under IC 31-34 and are now too old to qualify as CHINS.

PDOC 20051284.002: The proposed bill would require the Office of Medicaid Policy and Planning to adopt rules specifying the criteria used to determine the hours of care required by an individual placed under the ICR/MR waiver and establishing the process and criteria used to determine that an individual placed under the waiver has the substantial limitations necessitating the placement.

Resolution Draft 20051470.001: The proposed concurrent resolution would urge the Governor and Budget Agency to continue working with other states and the U.S. Congress to enact legislation which would allow the states to impose sales and use taxes on sales made on the Internet with the intent that programs for the MR/DD population would benefit from a portion of the new taxes.

Resolution Draft 20051377.001: The proposed concurrent resolution would urge FSSA to implement a pilot program for the NightTime Companion program. The NightTime Companion program, which has been tried in Lafayette and in parts of Wisconsin, provides electronic monitoring for individuals with mental retardation and developmental disabilities in home settings to replace the need to have staff present twenty-four hours a day. The pilots are designated for Lake, Marion, Monroe, and Tippecanoe Counties.

Additionally, the members of the Commission endorse the use of savings from the closing of the Muscatatuck, Fort Wayne, and New Castle state developmental centers to provide additional funding for services for the MR/DD population.